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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 In re DMCA Subpoena to X Corp. dba Twitter

MISC. CASE NO. 3:23-mc-80294-PHK

Judge: Hon. Peter H. Kang

**DECLARATION OF JAMES D.
BERKLEY IN SUPPORT OF
STIPULATION REGARDING
EXTENSION OF TIME TO FILE JOINT
SUPPLEMENTAL LETTER BRIEF**

*[Stipulation and [Proposed] Order Filed
Concurrently Herewith]*

1 I, James D. Berkley, declare as follows:

2 1. I am an attorney-at-law, duly licensed to practice law in the State of California and
3 before this Court. I am Special Counsel at the law firm of Mitchell Silberberg & Knupp LLP
4 (“MSK”), and am counsel of record for Cognosphere Pte. Ltd. (“Cognosphere”), movant in this
5 miscellaneous matter. Unless otherwise noted, I know the following of my own personal
6 knowledge and, if called as a witness, could and would competently testify thereto.

7 2. On November 6, 2023, Cognosphere initiated this miscellaneous matter by filing a
8 request with the Court for issuance of a subpoena to X Corp. pursuant to 17 U.S.C. §512(h). Dkt.
9 1.

10 3. On November 7, 2023, this Court issued the proposed subpoena, which identified a
11 response date of November 22, 2023 (the “Subpoena”). Dkt. 3.

12 4. On November 21, 2023, X Corp. responded to the Subpoena with written
13 objections. The Parties have met and conferred, but to date have not agreed on a resolution
14 concerning the requests to produce information contained in the Subpoena.

15 5. On January 8, 2024, pursuant to the Court’s Discovery Standing Order and a
16 stipulation by the Parties dated January 5, 2024, the Court extended the date for the Parties to file
17 a joint discovery letter concerning the Subpoena (the “Joint Discovery Letter”), otherwise due on
18 January 5, 2024, to January 16, 2024. Dkt. 6.

19 6. On January 16, 2024, the Parties filed the Joint Discovery Letter. Dkt. 7.

20 7. On February 12, 2024, the Court issued an order for the Parties to submit a Joint
21 Supplemental Letter Brief, not to exceed four pages, to be filed with the Court by Friday, March 1,
22 2024. Dkt. 14 (the “February 12 Order”).

23 8. I understand that the Lunar New Year holiday period, observed in much of Asia,
24 began on February 10, 2024.

25 9. The Parties believe that in light of the New Year holiday period in Asia, it is
26 appropriate to extend the deadline for filing the Joint Supplemental Letter Brief. The Parties thus
27

1 agree, upon the Court's consent, to extend the deadline for filing the Joint Supplemental Letter
2 Brief by fourteen (14) days, to Friday, March 15, 2024.

3 10. With the exception of the extension identified in Paragraph 5 above, the Parties
4 have not sought any other time extensions from the Court, and the proposed extension will not
5 change any other dates or deadlines in this matter.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct.

8 Executed this 29th day of February, 2024, at Los Angeles, California.

9
10 /s/ James D. Berkley

James D. Berkley